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Security Council

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Letter dated 4 September 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 2 September 2001 from Mr. Naji Sabri, Minister for Foreign Affairs of Iraq. Appended to the Minister's letter is a table showing violations of Iraq's international boundaries committed by United States and British warplanes flying across the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in the period from 4 to 17 August 2001.

The Minister urges you to instruct UNIKOM to perform its duties in full, to report these violations to the Security Council through you immediately they occur and to specify the number and nationality of the warplanes that violate the demilitarized zone, given that these violations constitute wanton aggression against Iraq and against its people, its sovereignty and its territory, as well as against United Nations peacekeeping operations. He further asks you to alert the Security Council to its responsibility to halt the aggression and hold the aggressors accountable for it under international law.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Al-Douri**
Ambassador
Permanent Representative

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Annex to the letter dated 4 September 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Further to our letter dated 9 August 2001 (S/2001/786, annex), I should like to inform you that United States and British warplanes committed 110 violations of Iraq's international boundaries from bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in the period from 4 to 17 August 2001. In accordance with the table appended to this letter, the relevant Iraqi authorities have determined that the violations committed were as follows:

1. Armed and hostile aerial activity by the United States and the United Kingdom, violating our international boundaries from United States and British bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone, comprised 110 armed sorties in the following governorates: Dhi Qar, Muthanna, Basrah, Maysan and Qadisiyah.

2. Our technical systems identified the aircraft violating Iraq's airspace on a daily basis as American F-14s, F-15s, F-16s and F-18s and British Tornadoes.

3. An AWACS aircraft operating inside Saudi airspace and an E-2C aircraft operating inside Kuwaiti airspace provided support to all of the United States and British aircraft that carried out armed and hostile sorties, violating Iraq's airspace by way of the demilitarized zone.

4. Between 4 and 17 August 2001, a total of 12 remotely piloted aircraft violated Iraq's airspace from United States and British bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone.

All of the violations in question were committed by way of the demilitarized zone in which UNIKOM is stationed. One of UNIKOM's primary responsibilities is to monitor such hostile military operations and to report them and endeavour to halt them immediately.

The fair-minded nations of the world, including the Arab countries, have condemned the maintenance of the no-flight zones as representing an illegitimate use of force against an independent, sovereign State. Three countries that are permanent members of the Security Council, namely the Russian Federation, China and France, have stressed the fact that the enforcement of the no-flight zones in northern and southern Iraq has no basis in any principle of international law. Mr. Boutros Boutros-Ghali, your predecessor as Secretary-General, has stated that the claim made by the United States that Security Council resolution 688 (1991) authorizes the imposition of the no-flight zones is groundless. At your press conference of 27 June 2001, you said that there was no basis in the resolutions of the Security Council for the imposition of the no-flight zones in northern and southern Iraq. Your actual words were (SG/SM/7865):

> "You know my position on this, and I have indicated that when you analyse and read the Security Council resolutions I do not see the Security Council resolutions as a basis for that."

The violations being committed by United States and British military aircraft, in which 10 to 20 of them are used daily, are tantamount to an undeclared war. It is

imperative that the United Nations should take the measures that are required in their regard under the Charter, so that the aggression may be halted and those who have committed the violations may be charged with full international responsibility for them, including liability for payment of compensation to Iraq.

The statements of UNIKOM to the effect that it is unable to monitor or identify these aircraft cannot be maintained in the light of the scientific and technological capabilities that are available or that UNIKOM is in a position to acquire and utilize in order to fulfil the requirements of its mandate by establishing the identity and country of the warplanes that are violating Iraq's sovereign airspace so that the necessary measures can then be taken by the Security Council to halt these violations and incursions.

I accordingly urge you once more to instruct UNIKOM to perform its duties in full, to report these violations to the Security Council through you immediately they occur and to specify the number and nationality of the warplanes that violate the demilitarized zone and commit aggression against Iraq, given that they constitute wanton aggression against Iraq and against its people, its sovereignty and its territory, as well as against United Nations peacekeeping operations, and I ask you to alert the Security Council to its responsibility to halt the aggression and hold the aggressors accountable for it under international law.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs

Enclosure

Hostile aerial activity violating Iraq's international boundaries from Kuwait and by way of the demilitarized zone, 4-17 August 2001

No.	*Date*	*From*	*Time*	*Type*	*Armed sorties*	*Altitude (metres)*	*Speed (km/h)*	*Areas overflown*
1	4-10 August	Kuwait	0837-1440	F-14, F-15, F-16, F-18, Tornado, drone	67 (including 9 drones)	8,000-11,000	240-780	Artawi, Jalibah, Nasiriyah, Afak, Qurnah, Amarah, Qal'at Sukkar, Nu'maniyah, Hayy
2	11-17 August	Kuwait	0818-1855	F-14, F-15, F-16, F-18	43 (including 3 drones)	10,000-11,000	240-780	Basrah, Nasiriyah, Qurnah, Amarah, Artawi, Jalibah, Busayyah

Total sorties: 110